

BOARD OF SELECTMEN
MINUTES
JUNE 4, 2012

Pursuant to notice duly filed with the Town Clerk, a meeting of the Board of Selectmen was held at 7PM in the Selectmen's Room.

Present were Carmin C. Reiss, Chair; Jeffrey Wieand, Clerk; Stanly E. Black, and Steven Ng. Also present was Christopher Whelan, Town Manager.

Ms. Reiss called the meeting to order and announced that it is being recorded. Ms. Reiss noted that the Wheeler Minot House has received recognition from the MA Historical Commission and the MA Legislature for preservation and restoration.

Call to Order

CONSENT AGENDA

Consent Agenda

- Town Accountant's Warrants
- Gift Acceptance: Friends of the Aging \$730.02 for COA van radios; Concord-Carlisle Community Chest \$1,558.52 to Youth Coordinator gift account
- One Day Special License: Wine and Malt License for Boston Private Bank and Trust golf outing at Concord Country Club July 23 from 7AM – 9PM

Upon a Motion duly made and Seconded, the Board UNANIMOUSLY
VOTED: to approve the Consent Agenda as read.

TOWN MANAGER'S REPORT

Town Manager's Report

1. Summer hours at Town Offices will begin the first week of July and extend to Labor Day. Offices will be opening slightly earlier and later to enable offices to close at noon on Fridays.
2. Minuteman National Historical Park has notified the Town that substantial damage to the Minuteman Statue was averted when a 24-inch tree limb barely missed the statue. It has been determined that the tree was rotted and the park is undertaking a review of other trees in the area.
3. The annual Library book sale scheduled for June 2 was postponed to June 9 due to impending weather conditions.
4. Concord Light has notified the Town that six customers have installed rooftop solar panels for home use with the excess power being sold back to grid.
5. Building Commissioner John Minty reports that there has been a 7.6% increase in the number of building permits issued.
6. Chamber of Commerce Director Stephanie Stillman will meet with Planning Director Marcia Rasmussen on June 5 at 141 Keyes Rd. to explore the Concord Center Cultural District requirements.

LOCAL INITIATIVE PROJECT AT 1257 ELM STREET

LIP

Jack McBride was present to introduce a Local Initiative Program housing development on Elm St. to the Board. When the proposal and application to build 8 units at 1257 Elm St. is complete the Board of Selectmen will be asked to sign off on the application to the State. The 1.2 acre parcel is similar to and between the Lalli Woods and Elm Court developments on Elm Street near the Light Plant headquarters. Mr. McBride stated that the homes will be duplexes and 25% will be affordable at 80% median income level. There will be a local preference for one unit. Mr. McBride described the LIP process that involves a "friendly" 40B and includes plan review by the Town. If all goes well, it is possible that construction can begin in late fall with a one year build-out.

Mr. Paul Mahoney, who designed the development, described it as 4 duplex structures with garages separating the living areas. Each home has a gable shape with a shed at the back or side. There is parking in front of the garages as well. There is open space on the site which is the onsite septic field and stormwater discharge.

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Mr. Whelan stated that this will not be the Town's first LIP partnership and that no public funds will be used. The condominium development will not be on a public street and no plowing or street maintenance will be required. Other than density, no waivers are being sought. The project is under staff review at this time with the intention to bringing it back to the Board for a vote on June 18.

PROCLAMATION THOMAS HUDNER JR.

Upon a Motion duly made and Seconded, the Board UNANIMOUSLY
VOTED: to approve the Proclamation as read.

Proclamation

RESOLUTION TRANSPORTATION FUNDING

Upon a Motion duly made and Seconded, the Board UNANIMOUSLY
VOTED: to approve the Resolution as read.

Resolution

REGIONAL HOUSING CONSORTIUM AGREEMENT AMENDMENT

Upon a Motion duly made and Seconded, the Board UNANIMOUSLY
VOTED: to approve amendments to the Regional Housing Intermunicipal agreement to add the town of Acton, to make the changes to section 6 as discussed, and to authorize the Board to sign the revised agreement.

Housing Agreement

APP #10 DISCUSSION

Ms. Reiss referred the Board to proposed amendments to Administrative Policy and Procedure #10, Appointments. She stated that she and Mr. Wieand had reviewed and made potential updates. The purpose of the review, the first in 12 years, is to address some recent issues such as leave of absence, number and duration of some terms, current practices, and special circumstances.

APP #10

Mr. Wieand pointed out several committees – 2229 Main St. Committee, Concord Housing Development Corporation, and the Conservation Restriction Stewardship Committee – where institutional memory, professional expertise, and unique skillset would seem to argue for flexible terms. On the other hand, it is not in the interest of open government to create entrenched fiefdoms so consideration must be carefully given before taking such a step. One goal of clearly stated term limits for both elected and appointed officials is to encourage and increase participation in local government.

Discussion included: The Town Charter clearly states that officials will serve until replaced and this has been implemented in the past when willing volunteers did not step up. That could be used in the cases mentioned, as long as new volunteers are not turned away. Flexible terms are more fitting for *ad hoc* or non-regulatory committees. The removal of appointees after a hearing is referenced in the Charter and should be so noted in the APP. Severability, spouses and close family members, and minimum age for service were suggested as topics to be addressed. Mr. Wieand offered to make the changes discussed and circulate a new draft.

TOWN MANAGER EVALUATION PROCESS

Ms. Reiss stated that the Board was considering a "360" evaluation of the Town Manager so that input could be gathered not only from those who supervise him but also from those he supervises. This more modern process can provide valuable feedback as well serve as a model for evaluation of other department heads to improve data collection and job performance.

TM Eval

Mr. Whelan reiterated the timeline and process for the Town Manager Evaluation. It usually begins after Town Meeting, starts with a self-evaluation and goal setting and is accomplished by early fall. He suggested that the Board might limit input to his direct reports on the senior management team. He further stated that he would be comfortable with a synthesis of input, without direct attribution, but that it would make a stronger process if comment was in writing and the sources were known to the individual who compiles the evaluation.

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Further discussion included: The public has the opportunity to provide its input throughout the year. The potential schedule of the evaluation is for the Board to respond to the evaluation questionnaire by June 15, for the Town Manager to submit his self-evaluation by June 29, and the senior management team to respond by June 29. The Chair will circulate her summary to the Board by July 19 and there will be a public review at the July 23 meeting.

FINALIZE LIAISON ASSIGNMENTS

It was the consensus of the Board that the committee assignment was a reasonable distribution of effort.

BOS Liaison

OPEN MEETING LAW AMENDMENT

The Attorney General has proposed a clarification to the Open Meeting Law that would amend the definition of "Intentional Violation." The change is the introduction of "knowingly or unknowingly" when describing a violation of Open Meeting law. It was the consensus of the Board that the amendment was unclear and therefore not helpful to those conduct could be judged to be in violation. Mr. Wieand agreed to get further clarification from the Office of the Attorney General and draft a letter for the Chair's signature.

OML Amendment

Upon a Motion duly made and Seconded, the Board UNANIMOUSLY

VOTED: to authorize the Chair to sign and transmit correspondence to the Office of the Attorney General substantially as discussed.

COMMITTEE LIAISON REPORTS

Mr. Black stated that Ms. Woodward had attended the Massachusetts Historical Commission ceremony noting the 2012 Preservation Award for the Wheeler Minot House on Virginia Rd.

Liaison Reports

Mr. Black reported that he attended a Cable Television Advisory Committee meeting at which Attorney Bill Solomon discussed the goals for a new contract with Comcast. A public Meeting will be scheduled in the fall. The goal is to secure a 4.8% share which is \$290,000 to CCTV plus a capital fee of \$168,000.

Mr. Black reported on a Planning Board meeting regarding a Squaw Sachem Trail development at which questions of board practice were addressed, specifically whether there is the possibility of alternate or associate members who can vote when there might otherwise be a tie. Discussion included: several committees have alternate/associate members; some alternate/associates may vote and others cannot; there could be a statutory limitation of alternate/associate members on regulatory committees; it is important that there not be an even number of members to ensure that a matter rises or falls on its merits not on a tie vote equally a failure; Mr. Wieand offered to research the question of alternates on regulatory boards.

Mr. Wieand stated that volunteers are needed for the Concord Cultural Council. Although the amount of money the committee awards is small, it is very valuable for arts in the community.

MISCELLANEOUS/CORRESPONDENCE

1. Mr. Wieand noted the sad passing of Nat Marden and offered condolences to his family. Mr. Marden was the property manager for Concord Land Conservation Trust and instrumental in keeping Fairhaven Bay in great shape.

Misc./Correspond.

COMMITTEE NOMINATIONS

Mr. Wieand nominated Paul Mahoney of 70 Seven Star Lane to the Community Preservation Committee as a Selectmen Member for a term to expire May 31, 2016 and Peter Farrow of 69 Pleasant Street to the Conservation Restriction Stewardship Committee for a term to expire May 31, 2015.

Nominations

COMMITTEE APPOINTMENTS/REAPPOINTMENTS

Upon a Motion duly made and Seconded, the Board UNANIMOUSLY

Appt./Re-appt.

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VOTED: to appoint Cherrie Corey of 277 Old Bedford Rd. to the Conservation Restriction Stewardship Committee for a term to expire 5/31/15; Paul LoVecchio of 20 Winslow St. to the Hugh Cargill Trust Committee for a term to expire 5/31/15; John Canally of 128 Revolutionary Rd to the Planning Board for term to expire 5/31/17; Peter Hunter of 720 Lowell Rd. as the Recreation Commission member of Community Preservation Committee for a term to expire 5/31/14; Elise Stone of 288 Old Marlboro Rd. to the Bruce Freeman Rail Trail Committee for a term to expire 5/31/13; Diana Clymer of 13 River St., Diana Lee of 72 Minuteman Dr., Richard Perkins of 125 Upland Rd., and Daniel Schrager of 24 Mallard Dr. all to the Concord Cultural Council for terms to expire 5/31/15; Elaine DiCicco of 48 Wilson Rd. to the Board of Registrars for a term to expire 5/31/15

TOWN MANAGER APPOINTMENTS

Upon a Motion duly made and Seconded, the Board UNANIMOUSLY

VOTED: to confirm the Town Manager's reappointments of Elissa Brown of 158 Laurel St. and Jeffrey Adams of 142 Farmers Cliff Rd. to the Natural Resources Commission for terms to expire 5/31/15; William Jaros of 135 Authors Rd. to Board of Assessors and James Sommer of 15 Pine St. both for terms to expire 5/31/15; Mary Sheppard of 296 Old Marlboro Rd. as Associate member of Board of Assessors for a term to expire 5/31/13; Nick Pappas of 300 Virginia Rd. to the Comprehensive Sustainable Energy Committee for a term to expire 5/31/15.

ADJOURNMENT

On a motion duly made and seconded, it was:

VOTED: To adjourn the Open Session and to conclude business for the evening.

Stanly E. Black	Aye
Steven Ng	Aye
Carmin C. Reiss	Aye
Jeffrey S. Wieand	Aye

The meeting adjourned at 8:50 p.m.

Respectfully submitted,

Jeffrey S. Wieand, Clerk

Town Manager
Appointments

Adjourn